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LAWS OF MONTANA

Relating to

STOCK AND AGRICULTURE.

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Stock and Agriculture.

Board of Stock Commissioners.

Political Code.

Sec. 2950. The Governor is authorized to nominate, and by and with the consent of the Senate, appoint a Board of Stock Commissioners, consisting of one member from each of the counties of Cascade, Choteau, Custer, Dawson, Fergus, Jefferson, Lewis and Clarke, Meagher, Park, Teton, Valley and Yellowstone, and such other counties as have heretofore or may hereafter request, by action of the county commissioners of the county, the appointment of a member of the Board of Stock Commissioners therein, and such Stock Commissioners, upon entering upon their duties, must take the constitutional oath of office, which oath must be filed in the office of the Secretary of State.

Sec. 2951. Each member of said Board so appointed must be the owner of cattle or horses in the county for which he is appointed, and shall be a resident of such county. The Stock Commissioners shall hold office for two years, or until their successors are appointed and qualified, and in case of vacancy from death, resignation or removal, the Governor must appoint to fill such vacancy.

Sec. 2952. The Board may divide the State into as many districts as is necessary.

Sec. 2953. The Board must organize by electing one of their number president, and appoint a secretary.

Sec. 2954. The Stock Commissioners and their secretary receive no compensation or mileage for their services, but must be allowed their actual expenses incurred by them in the performance of their duties.

Sec. 2955. It is the duty of the Board to exercise a general supervision over, and so far as may be, protect the stock interests of the State from theft and disease, and devise and recommend from time to time such legislation as in their judgment will foster this industry. The Board may take all necessary and lawful steps, procure all necessary and lawful process for the attendance of witnesses, and employ counsel to assist in the prosecution of any person as hereinbefore provided, and it is the duty of the Board, when necessary, to assist in the prosecution of any person guilty of any offense against the laws of this State in feloniously branding or stealing any stock, or any other crime, or misdemeanor, under any of the laws of the State for the protection of the rights and interests of stock owners, and it is the duty of the Board to make rules and regulations governing the recording and use of live stock brands.

Sec. 2956. It is the duty of the Board to audit all bills for expenses incurred under the provisions of this Chapter, and if found correct, to certify the same and the warrant drawn by the State Auditor, on the State Treasurer in favor of the party or parties entitled thereto for the amounts so certified, shall be drawn on the Stock Inspector and Detective Fund.

Sec. 2957. The Board must make an annual report in writing to the Governor on the 31st day of December, and must state therein all the transactions of the Board for the previous year.

Stock Inspectors.

Political Code.

Sec. 2970. The Board of Stock Commissioners may appoint such Stock Inspectors and detectives as are necessary for the protection of the live stock interests of the State, and the inspectors and detectives have the same power as sheriffs to summon a posse when necessary and to make arrests. The Stock Inspectors and detectives may, when deputized by the sheriff, exercise the powers of deputy sheriff, but must not receive any fee or emolument therefor from the State or any county.

Sec. 2971. The Stock Inspectors and detectives must each make

and execute a bond with two sufficient securities, in the sum of one thousand dollars, to the State, conditioned for the full and faithful performance of their duties, said bond to be approved by and filed with the Secretary of State, and each must take and subscribe the constitutional oath of office.

Sec. 2972. It is the duty of the Stock Inspectors and detectives to arrest all persons who in their presence violate the stock laws of the State, and every Stock Inspector and detective, upon information that any person has committed any offense against the laws of the State in feloniously branding or stealing any stock, or any offense against the laws of the State, for the protection of the rights and interests of stock owners, must make the necessary affidavit for the arrest and examination of such person, and upon warrant issued therefor, immediately arrest such person, and bring him before the proper officer and notify the Board of his acts.

Sec. 2973. The Stock Inspectors and detectives are under the exclusive control and direction of the Board, and must be paid for their services such sums as may be agreed upon by the Board, out of the fund hereinafter provided for, but in no case must they receive any mileage.

Sec. 2974. Whenever a mark or brand upon any neat cattle, horse or other animal, has been fraudulently altered, obliterated or defaced, so that the original mark or brand can not be determined through the external inspection thereof, any Stock Inspector or sheriff may seize and kill said animal to ascertain the mark or brand so altered or defaced, upon paying to the owner the value of said animal.

Sec. 2975. The value of the animal so taken and killed shall be determined by three disinterested parties living in the vicinity where the animal is seized, and the tender of the valuation so made to the owner shall be full compensation on account of the loss of said animal. All sums of money disbursed as herein provided shall be paid out of the Stock Inspector and Detective Fund, and whenever possible the dead bodies of the animals killed shall be disposed of for cash, and the proceeds turned into said Fund.

Sec. 2976. Should the owner of the animal so seized and killed feel dissatisfied with the valuation made, he may maintain an action against said officer seizing said animal, and should he fail to recover damages in any greater amount than that allowed under Section 2975, he shall bear all costs that may be incurred in the maintenance of said action.

Levy of Tax.

Political Code.

Sec. 2990. The Board of County Commissioners of each county in which is appointed a member of the Board of Stock Commissioners at the time of levying the annual tax, must levy such tax as is recommended by the Board of Stock Commissioners, not exceeding one and one-half mills on the dollar upon the assessed valuation of all cattle, horses, mules and asses, in their respective counties, which must be collected as other taxes upon like property, and, when so collected, must be paid to the State Treasurer, who must keep the same as a separate fund, to be known as the "Stock Inspector and Detective Fund," which fund must be used in defraying the expenses incurred under the provisions of this Chapter. The expenditures in any year under the provisions of this Chapter, must in no case exceed the special tax levied for that year.

Sec. 2991. The Stock Inspectors and detectives are district officers and the Board must designate the district in which the inspectors and detectives shall serve, and the district must be designated in their commissions.

Recording of Brands.

Political Code.

Sec. 2940. The Secretary of the Board of Stock Commissioners is the general recorder of Marks and Brands.

Sec. 2941. Whenever any person wishes to record a brand or mark, application may be made to the General Recorder of Marks and Brands directly, who must designate the particular brand, or mark and brand, to be used by the applicant, defining the position on the animal upon which the brand shall be placed.

The General Recorder of Marks and Brands must keep a record, in a book kept by him for that purpose, of all brands and marks that may be recorded by him, with the name and residence of the persons recording same, which said record book shall be open to the inspection of the public, and he must also furnish to the owners of recorded brands a certified copy of the record of same, which certificates are prima facie evidence of the ownership of the brand or mark so recorded.

Sec. 2942. The General Recorder of Marks and Brands shall annually have published, as an appendix to the report of the Board of

Stock Commissioners to the Governor, a list of all brands, or marks and brands which have not been previously published, and cause the same to be printed and illustrated at his own expense, a sufficient number of copies in pamphlet form for free distribution to those engaged in stock raising.

Sec. 2943. Every person who sells horses, mules or cattle, must vent or counter-brand such animals, and said vent or counter-brand must be upon the same side of the animal as the original brand and must be a fac-simile of the original brand, except that it may be reduced one-half in size, and the venting of said original brand shall be prima facie evidence of sale or transfer of said animal or animals so vented.

Sec. 2944. All persons slaughtering cattle must keep the hides with the ears attached, for ten days, and persons having such hides in their possession must exhibit the same for examination, upon demand being made by any person. Any person who shall fail to observe the provisions of this Section shall be punished as provided in Section 1186 of the Penal Code.

Sec. 2945. All persons who are butchers and who slaughter cattle, must keep a record of the marks and brands of the cattle slaughtered by them in a book, subject at all times to the inspection of the public, in which must be recorded the name of the person from whom the cattle are purchased, together with his residence and date of purchase and delivery, and on or before the first day of each month must make two copies of such record and make affidavit to the correctness of the same, one of which to be filed in the office of the nearest justice of the peace, and the other in the office of the county clerk, and any person who shall fail to observe the provisions of this Section shall be punished as provided in Section 1186 of the Penal Code.

Rules Governing Recording Brands.

Rules and regulations for the recording of Brands and Marks in the State of Montana. Passed by Board of Stock Commissioners, March 22, 1887, under authority conferred upon them by law, approved March 9, 1877.

1. For the purpose of recording brands and marks, animals shall be divided into the following classes 1. Cattle. 2. Horses, mules and asses. 3. Sheep, swine and goats.

2. All persons making application for recording brands and marks

shall designate the class or classes for which said mark or brand is to be used.

3. No brand shall be recorded that conflicts with a recorded brand on the same position.

4. A person recording a brand will be permitted to use the brand on one side only of the animal, and on only one place for original brand, and one place for vent of same.

5. In order to transfer title to animals bearing recorded brands, the party selling shall vent, or cause to be vented, the brand with character same as original brand, but may be the same brand reduced not more than one-half in size and on the same side of the animal as original brand.

6. The addition of a bar, a letter, a figure, or a character to an existing recorded brand, in the same position and same side of animal, shall be considered an infringement on the priority of said brand, and shall not be recorded.

7. In the case of sheep, a person shall be allowed to record a brand on as many different places as for cattle, and in addition four places on the face, viz: either jaw, forehead or nose, also three places on back, viz: behind shoulders, on the loin and on the rump. A person is entitled to use a brand of either iron or paint or both in the same place. No person shall record more than one brand or one ear mark. Said brands not to conflict one with another.

Live Stock Killed or Injured by Railroads.

Civil Code.

Sec. 950. Railroad corporations must make and maintain a good and sufficient fence on either or both sides of their track and property. In case they do not make and maintain such fence, if their engine or cars shall kill or maim any cattle or other domestic animals upon their line of road which passes through or along the property thereof, they must pay to the owner of such cattle or other domestic animals a fair market price for the same, unless it occurred through the neglect or fault of the owner of the animal so killed or maimed. Railroad corporations paying to the owner of the land through or along which their land is located an agreed price for making and maintaining such fence or paying the cost of such fence with the award of damages allowed for the right of way of such railroad, and relieved and exonerated from all claims for damages arising out of the killing or maiming any animals of persons who thus fail to construct

and maintain such fence; and the owners of such animals are responsible for any damage or loss which may accrue to such corporation from such animals being upon the railroad track, resulting from the non-constructing of such fence, unless it is shown that such loss or damage occurred through the negligence or fault of the corporation, its officers, agents or employes.

Sec. 951. Every railroad corporation or company operating any railroad, or branch thereof, within the limits of this State, which shall negligently injure or kill any horse, mare, gelding, filly, jack, jenny or mule, or any cow, heifer, bull, ox, steer, or calf, or any other domestic animal, by running any engine or engines, car or cars, over or against any such animal, shall be liable to the owner of such animal for the damages sustained by such owner by reason thereof. The killing or injury shall be prima facie evidence of negligence on the part of such corporation or company.

Sec. 952. It shall be the duty of all railroad corporations or railroad companies operating any railroad within this State to keep their railroad track, and either side thereof, for a distance of one hundred feet on each side of the track or road bed, so far as it passes through any portion of this State, free from dead grass, weeds or any dangerous or combustible material; and any railroad company or corporation failing to keep its railroad track and each side thereof free as above specified shall be liable for any damages which may occur from fire emanating from operating such railroad, and a neglect to comply with the provisions of this Section in keeping free any railroad track, and either side for a distance equal to the space of ground covered by the grant of the right of way for the railroad corporation or company, shall be prima facie evidence of negligence on the part of any such railroad or corporation. But no railroad corporation or company shall be required to keep free as above specified any land not a part of its right of way.

Sec. 953. It shall be the duty of any corporation, association, company, person or persons, owning, controlling or operating any railroad or branch thereof, in this State, to designate some station on the line of the same in each county through which it passes at which it shall keep a suitable book, and within thirty days after the killing or injury of any animal or animals, cause to be entered therein, the date when, and place where, the same were killed or injured, as near as may be, together with a description thereof, including the age, color and sex of the same, and marks and brands upon the same,

as near as the same can be done, which said book shall be kept for the inspection of any person or persons claiming to be interested in the inspection thereof, and shall cause a notice of the station so designated to be filed with the county clerk of the county in which said station is situated.

Sec. 954. Any corporation, association, person or persons so owning, controlling or operating such railroad or branch thereof, failing to designate said station, file said notice, keep said book and make the entries as provided in the preceding section, shall be liable to the owner or owners of the animal or animals so killed or injured, whether negligently done or not, and the court or jury before whom any action is tried for the recovery of damages on account thereof, may, in its or their discretion, render verdict and judgment for the amount of the value of any such animal or animals so killed, or the amount of damages sustained by reason of any injury thereto.

Sec. 955. In case any corporation, association or company, person or persons, shall comply with the provisions of Section 953, of this Chapter, it shall be the duty of the owner or owners of any animal or animals killed or injured as aforesaid, or his agent, or their agent, within thirty days after information shall have reached him or them of the killing or injury of such animal or animals, to make affidavit of such ownership and the market value of the animal or animals so killed, or the amount of damages occasioned by such injury, and deliver the same to the person in charge of the said book or station so designated, and thereupon the said corporation, association, company, person or persons, shall have fifty days within which to pay the amount claimed, and no action shall be instituted for the recovery of the value of or damages to such animal or animals until the expiration of said time.

Sec. 956. If any corporation, association, company, person or persons, so owning, controlling, or operating any such railroad or branch thereof, shall kill or injure any animal or animals as aforesaid, and shall tender to the owner or owners thereof, or to his or their agent in that behalf, the amount which they shall deem to be the value thereof, or the damage thereto, as the case may be; or if said railroad, corporation, association, company, person or persons, shall deposit with the Board of Stock Commissioners such amount for the owner or owners thereof; and such owner or owners, or his or their said agent, shall refuse to accept the same in settlement thereof, then such owner or owners shall pay all costs incurred in any action insti-

tuted, after such tender or deposit, to recover such value or damage, unless he or they shall recover therein more than the amount so tendered as aforesaid.

Sec. 957. If the owner or owners, or his or their duly authorized agent or agents of any animal or animals heretofore mentioned, shall drive the same upon the track of any such corporation, association, company, person or persons, with the intention to injure it or them, and such animal or animals shall be killed or injured, such owner or owners shall be liable for all injury or damage occasioned by reason of such act, and shall be punished as provided in the Penal Code.

Sec. 958. In all cases where any corporation, association, company, person or persons, shall be liable to the owners of any animal killed as provided in this Chapter, they shall be authorized to skin the same, and shall be entitled to the carcass and hide thereof, unless the owner or owners thereof shall claim the same, in which event the amount of the value thereof shall be deducted from the amount of damages which would otherwise be due. But in case such corporation, association, company, person or persons, so entitled thereto, shall take said carcass and hide, they shall skin such animal or animals and deposit the hide thereof at the station designated for keeping the book and making the entries hereinbefore provided for, during the space of sixty days, for the inspection of persons claiming to be interested therein.

Sec. 959. That any railroad, corporation or lessee, person, company or corporation operating any railroad in this State which may hereafter fence their right of way, shall make crossing through their fence and over their road bed along their right of way, every four miles thereof, or as near thereat as may be practicable.

Sec. 960. Such openings shall not be less than sixty feet in width. The said railroad company or lessee, person, company or corporation operating any railroad shall place cattle-guards on either side of the said openings, sufficient to prevent any cattle from entering upon the said right of way so enclosed.

Sec. 961. That the said railroad company, lessee, person or company operating any railroad in addition to the said openings, shall leave unfenced any places wherein the said railroad runs over trestles that are sufficiently high for cattle to go underneath the same.

Sec. 962. The provisions of this bill shall apply only to grazing country.

Sec. 963. Any railroad corporation or lessee, person, company or corporation operating any railroad in this State violating the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, in any court of competent jurisdiction, be fined in a sum not less than one hundred dollars and not more than five hundred dollars.

Penal Code.

Sec. 720. Except as otherwise provided, every person who violates any of the provisions of Chapter III, Title VIII, Part IV, Division I, of the Civil Code, relating to live stock killed or injured by railroads, is guilty of a misdemeanor.

Penal Code.

Sec. 1191. Every person who willfully drives any animal upon any railroad track with intent to injure the corporation or persons owning the railroad, and such animal is killed or injured thereby, is punishable by imprisonment in the State prison not exceeding five years.

Veterinary Surgeon, Stock Indemnity and Sheep, Including Tax Levies.

Political Code.

Sec. 3000. The Governor is authorized to nominate, and, by and with the advice and consent of the Senate, appoint a competent veterinary surgeon who is known as the "State Veterinary Surgeon," who holds his office for two years, and must execute a bond in the sum of five thousand dollars, and who, before entering on his duties, must take and subscribe the oath of office prescribed by the Constitution.

Sec. 3001. The duties of the State Veterinary Surgeon are

1. To investigate all cases of contagious and infectious diseases among cattle, horses, mules and asses, in this State, of which he may have a knowledge, or which may be brought to his notice by any resident in the locality where such disease exists; and, in the absence of specific information, to make visits of inspection to any locality where he may have reason to suspect that there is any contagious or infectious diseases.

2. To inspect, under the regulations of this Article, all such animals, which may be brought into this State, in any manner whatever, from or through such State, Territory or foreign country, as the

Governor may declare by proclamation, upon the recommendation of the Board of Stock Commissioners, or otherwise, must be held in quarantine for the purpose of inspection for contagious or infectious diseases.

Sec. 3002. After the making of such proclamation the owner, or person in charge, of any such animals, arriving in this State from or through any State, Territory or foreign country, against which quarantine has been declared, must notify the State Veterinary Surgeon without delay, and must not allow such animals to leave the place of arrival until they have been examined by the Veterinary Surgeon, and his certificate obtained that all such animals are free from disease; and no animal pronounced unsound from disease by the Veterinary Surgeon must be turned loose, allowed to run at large or removed or permitted to escape, but must be held subject to the order of the Veterinary Surgeon. Any person failing to comply with the provisions of this Section is punishable as provided in Section 1174, of the Penal Code, and is liable for any damage and loss that may be sustained by any person by reason of the failure of such owner to comply with the provisions of this section.

Sec. 3003. The owner of such animals, ridden under the saddle or driven in harness into this State, or under yoke, and any person coming into this State with his own team or teams, is not required to notify the Veterinary Surgeon, or await the inspection of the animals, but he is liable for all loss or damage to any person by reason of any contagious or infectious disease brought into the State by his animals; and no such animals must be held in quarantine for a longer period than ninety days, unless contagious or infectious disease is found to exist among them.

Sec. 3004. In all cases of contagious or infectious disease among domestic animals or Texas cattle in this State, the Veterinary Surgeon has authority to order the quarantine of the infected premises, and in case such a disease becomes epidemic in any locality in this State, the Veterinary Surgeon must immediately notify the Governor, who must thereupon issue his proclamation forbidding any animal of the kind among which such epidemic exists to be transferred from said locality without a certificate from the Veterinary Surgeon showing such animal to be healthy. The expense of holding, feeding and taking care of all animals quarantined under the provisions of this Article, must be paid by the owner, agent or person in charge of such animals.

Sec. 3005. In case of any epidemic disease where premises have been previously quarantined by the Veterinary Surgeon, as before provided, he is further authorized and empowered, when in his judgment necessary, to order the slaughter of any and all such diseased animals upon said premises, and all such animals as have been exposed to contagion or infection, under the following restrictions: The order must be a written one, and must be made in duplicate, and there must be a separate order and duplicate for each owner of the animals condemned, the original of each order to be filed by the Veterinary Surgeon with the Secretary of State, and the duplicate given to the owner. Before slaughtering any animal that has been exposed only, and does not show disease, the Veterinary Surgeon must call in consultation with him two practicing veterinary surgeons or physicians, residents of the State, or if this is impossible, then two stock owners, residents of the State, and he must have written indorsements upon his order of at least one of the consulting persons, stating that such action is necessary, before the animal is slaughtered.

Sec. 3006. Whenever, as in this Article provided, the Veterinary Surgeon orders the slaughter of one or more animals, he must at the time of making such order notify in writing the nearest available justice of the peace, who must thereupon summon three disinterested citizens, who are stock owners in the neighborhood, to act as appraisers of the value of the animal. The appraisers, before entering upon the discharge of their duties, must be sworn to make a true and faithful appraisal without prejudice or favor. They must, after making their appraisal, return certified copies of their valuation, a separate one being made for each owner, together with an accurate description of each animal slaughtered (giving all brands, ear-marks, wattles, age, sex and class, as to whether American, half-breed or Texan), to the justice of the peace by whom they were summoned, who must, after entering the same upon his record and making an indorsement upon each, showing it to have been properly recorded, return it together with a duplicate order of the Veterinary Surgeon, to the person owning the animal slaughtered; and it is the duty of the Veterinary Surgeon to superintend the slaughter of such animals as may be condemned, and also the destruction of the carcass, which latter must be by burning to ashes, or burying in the earth to the depth of not less than six feet, and which must include every part of the animal and hide, and also excrement as far as possible. If the owner of any animal found diseased by the Veterinary Surgeon is

killed, or consents to its being killed by the Veterinary Surgeon without appraisement, then the Veterinary Surgeon must burn or bury it as herein provided.

Sec. 3007. The Veterinary Surgeon must make an annual report on or before the first day of October to the State Board of Stock Commissioners of all matters connected with his work, and the Board must make the same a part of their annual report to the Governor, and they must also transmit to the several Boards of County Commissioners such parts of the report as they consider necessary and of general interest to the breeders of live stock. The Board must also give information in writing, as soon as it is obtained, to the Governor and to the various Boards of County Commissioners, of each case, or supposed case, of disease in each locality, the cause, if known, and the measures adopted to check it.

Sec. 3008. Whenever the Governor has good reason to believe that any disease mentioned in this Article has become epidemic in certain localities in another State or Territory, or that conditions exist that render domestic animals and Texas cattle likely to convey disease, he must by proclamation, designate such localities, and prohibit the importation therefrom of any live stock of the kind diseased into this State, except under such restrictions as he, after consultation with the Veterinary Surgeon, may deem proper. Any person who, after the publication of such proclamation, knowingly receives in charge any animal from any of the prohibited districts, and transports or conveys the same within the limits of this State, is punishable as provided in Section 1175, of the Penal Code, and is further liable for any and all damages and loss that may be sustained by any person by reason of the importation or transportation of such prohibited animals.

Sec. 3009. It is the duty of any person who has upon his premises, or upon the public domain, any case of contagious or infectious disease among such animals, to immediately report the same to the Veterinary Surgeon, and a failure to do so, or any attempt to conceal the existence of such disease, or to willfully or maliciously obstruct or resist the Veterinary Surgeon in the discharge of his duty, is punishable as prescribed in Section 1176, of the Penal Code, and forfeits all claims to indemnity for loss from the State.

Sec. 3010. The following regulations must be observed in all cases of disease mentioned in this Article:

1. It is unlawful to sell, give away, or in any manner part with,

any animal affected with, or suspected of being affected with, contagious or infectious disease; and in case of any animal that may be known to have been affected with or exposed to any such disease, within one year prior to such disposal, due notice of the fact must be given in writing to the party receiving the animal.

2. It is unlawful to kill for the purpose of selling the meat, any such animal, or to sell, give away or use any part of it or its milk, or to remove any part of the skin. A failure to observe these provisions is punishable as provided in Section 1176, of the Penal Code. It is the duty of the owner or the person having in charge any such animal affected with, or suspected of being affected with, any contagious or infectious disease, to immediately confine the same in a safe place, isolated from other animals, and with all necessary restrictions to prevent dissemination of the disease, until the arrival of the Veterinary Surgeon. These regulations apply as well to animals in transit through the State as to those resident therein; and the Veterinary Surgeon, or his duly authorized agent, has authority to examine, in car, yard, pastures or stables, or upon the public domain, all such animals, and on detection of disease, to take possession of, and treat and dispose of the animals in the same manner as provided by this Article.

Sec. 3011. All claims arising from the slaughter of animals, under the provisions of this Article, together with the order of the Veterinary Surgeon, and the valuation of the appraisers in each case, must be submitted to the State Auditor, and for each claim that he finds to be equitable and entitled to indemnity under this Article, must issue to the person entitled thereto, his warrant on the stock indemnity fund in the State treasury for the sum named in the appraiser's report. In auditing any claim under this Article, the Auditor must satisfy himself that it does not come under any class for which indemnity is prohibited by this Article, and he must require the affidavit of the claimant to this fact, or if the claimant be not cognizant thereof, then of some reputable person who is cognizant thereof; and also the certificate of the Veterinary Surgeon, whose duty it is to inform himself fully of the fact, that in his opinion the claim is legal and just, and the Auditor may, in his discretion, require further proof.

Sec. 3012. The indemnity granted is the value of the animal as determined by the appraiser with reference to its diminished value because of being diseased or having been exposed to disease. The indemnity must be paid to the owner upon his application and the

presentation of the proofs prescribed therein, and such application must be made within six months after the slaughtering of the animal, or the claim is barred. The right to indemnity under this Article is limited to animals destroyed by reason of the existence of some epizootic disease generally fatal and incurable, such as rinder-pest, hoof and mouth disease, pleuro-pneumonia, anthrax or Texas fever, among bovines, and glanders among horses, mules and asses. For the ordinary contagious diseases, not in their nature fatal, such as epizootic and influenza in horses, no indemnity must be paid. The right to indemnity does not exist, and the payment of such must not be made, in the following cases:

1. For animals belonging to the United States.
2. For animals that are brought into the State contrary to the provisions of this article.
3. For animals that are found to be diseased, or that are destroyed because they have been exposed to disease before or at the time of their arrival in the State.
4. When an animal was previously affected by any other disease, which, from its nature and development, was incurable and necessarily fatal.
5. When an owner or person in charge has knowingly or negligently omitted to comply with the provisions of Sections 3009 and 3010 of this Article.
6. When an owner of claimant, at the time of coming into possession of the animal knew it to be diseased, or received the notice specified in the first clause of Section 3010 of this Article.
7. When the animal has been brought into the State within ninety days immediately preceding the outbreak of disease, on account of which such animal was killed.

Sec. 3013. The Veterinary Surgeon receives for his services an annual salary of three thousand dollars. No person must receive the appointment of State Veterinary Surgeon who is not a graduate in good standing of a recognized college of veterinary surgeons, either in the United States, Canada or Europe.

Sec. 3014. The appraisers mentioned in this article receive three dollars for each day or part of a day they are actually employed, which must be paid from the State treasury out of the stock indemnity fund in this Article provided, upon vouchers which bear the certificate of the justice who summoned them. The justice receives his ordinary fee for issuing a summons, to be paid out of the stock

indemnity fund. The persons called in consultation by the Veterinary Surgeon each receive three dollars for each day or part of a day they are actually employed, and ten cents per mile for distances actually traveled, which sums must be paid from the State treasury out of the stock indemnity fund upon vouchers certified to by the Veterinary surgeon. The incidental expenses in causing animals to be slaughtered and their carcasses to be burned, and disinfecting infected premises, must be paid from the State treasury out of the stock indemnity fund, upon vouchers.

Sec. 3015. The liability for indemnity for animals destroyed and for fees, costs and expenses incurred under the provisions of this Article in any year is limited by, and must in no case exceed the amount especially designated for the purpose and for that period, by the terms of that article; nor must the Veterinary Surgeon or any one else incur any liability under the provisions of this Article in excess of the surplus in the stock indemnity fund hereinafter provided; nor must any act be performed or property taken under the provisions of this article become a charge against the State.

Sec. 3016. The Board of County Commissioners of each county must, at the time of making the annual assessment, levy a special tax not exceeding one-half of one mill on the dollar upon the assessed value of all cattle, horses, mules and asses in the county, to be known as the "Stock Indemnity Fund"; said tax must be collected and paid to the State Treasurer in the manner provided by law for the levying, collection and payment of other States taxes, which fund constitutes the indemnity fund specified by this article to be used in paying for animals destroyed and for fees, costs and expenses provided under the provisions therefor. It must be used exclusively for that purpose, and must be paid out by the State Treasurer as provided in this Article.

Sec. 3017. The Veterinary Surgeon must select the place where stock must be quarantined.

Sec. 3018. The Veterinary Surgeon has power to appoint, from time to time, deputies, not exceeding four in number, at any time he can not personally attend to all the duties required by his office, at a salary not to exceed five dollars per day for each day actually employed, to be paid out of the stock indemnity fund, and must designate the county for which each deputy is to act.

Sec. 3030. The State Veterinary Surgeon, upon the request of the president or secretary of any organized wool growers' association

in any county in the State, or of any three sheep owners in any county, must appoint a capable person as Deputy Inspector in such county, who holds his office during the pleasure of the Veterinary Surgeon, and must perform the duties hereinafter prescribed.

Sec. 3031. The Deputy Inspector must be a resident of the county for which he is appointed. He must, before entering upon the duties of his office, take the constitutional oath of office.

Sec. 3032. The Deputy Inspector must inspect all sheep within his county of which he may receive notice, as provided in the next Section, and in case he finds the same are not diseased, he must make and issue a certificate stating such fact. But if the sheep are diseased, or have been herded upon the range or in corrals which have within the past ninety days previous thereto been used or occupied by any diseased or infected sheep, the regulations for their quarantine, holding and keeping, must at once be made by such deputy. Each Deputy Inspector so appointed must personally supervise the dipping of every band of scabby sheep within his county, and appoint the date for each and every dipping; he has the right to determine and superintend the proportion and mixture, of materials, and must cause all sheep quarantined to be distinctly marked.

Sec. 3033. Upon the receipt of information, in writing, of any of the facts mentioned in the preceding Section, the Deputy Inspector must immediately cause the diseased sheep, and all sheep running in the same flock with them, to be examined, and if found so diseased, to be quarantined and held with a certain limit or place, to be defined by him, and such sheep must be held in quarantine until the owner, or person in charge, has eradicated such scab or infectious disease. The expense of feeding, holding, dipping, marking and taking care of all sheep quarantined under the provisions of this Article must be paid by the owner, agent or person in charge of such sheep.

Sec. 3034. Whenever the Governor, by proclamation, quarantines sheep for inspection, as provided in the next Section, any sheep brought into Montana, the Deputy Inspector of the county in which such sheep may come must immediately inspect the same, and if he finds that they are infected with scab, or any other infectious disease, he must cause the same to be held within a certain limit or place in his said county, to be defined by him, until such disease has been eradicated, as provided in the next preceding Section.

Sec. 3035. Whenever the Governor has reason to believe that any disease mentioned by this article has become epidemic in certain localities in any other State or Territory, or that conditions exist that render sheep likely to convey disease, he must thereupon, by proclamation, designate such localities and prohibit the importation from them of any sheep into this State, except under such restrictions as he, after consultation with the Veterinary Surgeon, may deem proper. Any person who, after publication of such proclamation, knowingly receives in charge any such sheep from any of the prohibited districts and transports or conveys the same to and within the limits of any of the counties of this State, is punishable as provided in Chapter II, Title XV, Part I, of the Penal Code, and is liable for all damages that may be sustained by any person by reason of the importation or transportation of such prohibited sheep.

Sec. 3036. Upon issuing such proclamation the owners or persons in charge of any sheep being shipped into Montana against which quarantine has been declared, must forthwith notify the Deputy Inspector of the county into which such sheep first come, of such arrival, and such owner or person in charge must not allow any sheep so quarantined to pass over or upon any public highway, or upon the ranges occupied by other sheep, or within five miles of any corral within which sheep are usually corralled until such sheep have first been inspected, and any person failing to comply with the provisions of this Section is punishable as provided in Chapter II, Title XV, Part I, of the Penal Code, and is liable for all damages sustained by any person by reason of the failure to comply with the provisions of this Section.

Sec. 3037. In no case must any scabby sheep be allowed to be removed from one point to another within any county, or from one county to another, or any sheep that have within one year been scabby, without a written certificate from the Deputy Inspector. Such sheep may be transferred and removed with the written consent of all the sheep owners or managers along the route, and in the vicinity of the proposed location, except those mentioned in the preceding Section. Any person violating the provisions of this Section is punishable as prescribed in Chapter II, Title XV, Part I, of the Penal Code.

Sec. 3038. Upon the arrival of any sheep into this State from any other country, State or Territory, the owner or agent in charge must

immediately report to the Deputy Inspector of the county in which such sheep first come for inspection, and such deputy must immediately inspect the same. If the owner or agent fails to report for inspection, the person so offending is punishable as provided in Chapter II, Title XV, Part I, of the Penal Code. The expense of such inspection must be borne by the owner, and is a lien upon the sheep, which may be sold to satisfy the lien, as provided by law.

Sec. 3039. The Deputy Inspector in each county receives for his services, while necessarily employed in inspection, not exceeding eight dollars per day, which includes all traveling expenses, of whatever kind and nature, incurred in going to and from the places where such inspection is had. When a Deputy Veterinary Surgeon, as provided in Section 3018, of this Code, is permanently located in a county, it is his duty to perform the duties imposed in this Article upon Deputy Inspectors, and for his services receives the same compensation as the Deputy Inspector, which must be paid in the same manner.

Sec. 3040. Whenever any Deputy Inspector files in the office of the State Auditor proper vouchers, duly approved by the Veterinary Surgeon, setting forth:

1. The name in full of such Deputy Inspector.
2. The kind and nature of the services rendered.
3. The particular locality where the work was done.
4. The time when and the length of time employed.
5. The number of sheep inspected and the name of the owner or person in charge.
6. The disease or diseases treated and the number treated for each disease, and the length of time of such treatment and the result.
7. The amount claimed and the value of such services.

The State Auditor must audit the same, and if found correct, draw a warrant in favor of such Deputy Inspector, payable out of any moneys in the "Sheep Inspector and Indemnity Fund."

Sec. 3041. Every deputy appointed under the provisions of this Article, must keep a book to be known as the "Inspection Record," in which he must enter and record all his official acts and proceedings. Such record must particularly show the name of the owner of every flock of sheep inspected, when the same was inspected, and the number in each flock, the result of such inspection, the names of the persons to whom certificates have been granted and when, and

all orders and directions made in relation to any matters herein designated.

Sec. 3042. Any person who fails to comply with or disregards any order or directions made by any Deputy Inspector under the provisions of this Article, is punishable as provided in Chapter II, Title XV, Part I, of the Penal Code.

Sec. 3043. It is unlawful for any person to bring into the State any sheep infected with scab or other contagious disease. Every person so offending is punishable as provided in Chapter II, Title XV, Part I, of the Penal Code.

Sec. 3044. Every Deputy Inspector must, on or before the first day of August each year, report to the State Veterinary Surgeon, in writing, showing from his inspection record particularly the matters therein contained since his last report, and the Veterinary Surgeon must embody the information thus given in his report to the Governor.

Sec. 3045. The Veterinary Surgeon, if necessary, may appoint more than one Deputy Inspector in a county, and may define the particular part of the county in which a deputy is to perform his duties, and any deputy appointed under the provisions of this Article who, under and by virtue of the powers conferred upon him by reason of such appointment, oppresses, wrongs or injures any person, is punishable as provided in Section 301, of the Penal Code.

Sec. 3046. The Board of County Commissioners, at the time of the annual levy of taxes, must levy a special tax, not exceeding one-half of one mill on a dollar, or so much thereof as is necessary, on the assessed value of all sheep in the county, and the money collected from such tax constitutes the "Sheep Inspector and Indemnity Fund." Such tax must be collected in the same manner as other taxes and paid into the State treasury, as other State taxes are. The money in the "Sheep Indemnity and Inspector Fund" must be used in the payment of the salaries and expenses of the Deputy Sheep Inspector, as provided in this Article, and all other expenses arising thereunder, except the salary of the State Veterinary Surgeon. All other salaries and expenses must not be a charge against the State.

Quarantine Regulations.

Sec. 1169. Every person who removes from one point to another in any of the counties of this State, or from one county to another,

any scabby sheep, or any sheep that have been scabby within one year, without the written certificate of the sheep inspector, or the written consent of all the sheep owners or managers along the route, and in the vicinity of the proposed location, is punishable by a fine not exceeding one thousand dollars. This Section does not apply to scabby sheep imported into this State and against which quarantine has been declared.

Sec. 1170. Every person who brings into this State sheep infected with scab or other infectious disease, or any horses, mules, asses or cattle infected with any contagious disease, is punishable by a fine not exceeding five hundred dollars.

Sec. 1171. Every person who fails to comply with or disregards any lawful order or direction made by the State Veterinary Surgeon, or deputy, or deputy sheep inspector, under the provisions of the Political Code concerning scab and other contagious diseases among sheep, or to prevent the spread of disease among cattle, is punishable by a fine not exceeding five hundred dollars.

Sec. 1172. Every person who, after the publication of the proclamation of the Governor of this State prohibiting the importation of diseased sheep into this State, knowingly receives any such sheep from any of the prohibited districts, or transports the same within the limits of the State, is punishable by a fine not exceeding five hundred dollars.

Sec. 1173. Every person in charge of sheep being shipped into this State, against which quarantine has been declared, as specified in the last preceding Section, and fails to notify the deputy inspector of the county in which such sheep are brought, or allows any such sheep to pass over or upon any public highway, or upon the ranges occupied by other sheep, or within five miles of any corral in which sheep are regularly corralled, before such sheep are inspected as provided by law, is punishable by a fine not exceeding five hundred dollars.

Sec. 1174. Every person who imports into this State any cattle, horses, mules or asses, after the Governor has made proclamation holding in quarantine for the purpose of inspection for contagious or infectious diseases, such animals, and allows the same or any of them to leave the place of their first arrival in this State, until they have been examined by the State Veterinary Surgeon, and a certificate has been obtained therefrom that such animals are free from

disease, or permits any of such animals to run at large, or to be removed, or to escape before such certificate has been received, is punishable by a fine not exceeding five hundred dollars. This section does not apply to any animals driven in harness, or under yoke, or ridden by their owners into this State.

Sec. 1175. Every person who, after the publication of such proclamation, knowingly receives or transports within the limits of this State, any animal mentioned in the preceding Section, before the certificate mentioned therein has been given, is punishable by a fine not exceeding ten thousand dollars.

Sec. 1176. Every person who owns or has the custody of any cattle, horses, mules or asses, infected with a contagious disease, and fails to immediately report the same to the State Veterinary Surgeon, or conceals the existence of such disease, or attempts to do so, or willfully obstructs or resists the said Veterinary Surgeon in the discharge of his duty as provided by law, or sells, gives away or uses the meat or milk, or removes the skin or any part of such animal, is punishable by a fine not exceeding five hundred dollars.

Sec. 1193. It is unlawful for any person having in charge any horse, mule, ass, sheep, hog or cattle, affected with a contagious disease, to allow such animal to run on any range or to be within any inclosure where they may come in contact with any other animal not so diseased.

All animals so affected must be immediately removed to an inside inclosure secure from other animals, or must be herded six miles away from any farm or ranch or from any other stock running at large or being herded.

Every person who neglects or refuses to remove, or inclose, or herd, as aforesaid, such diseased animals, is guilty of a misdemeanor and liable in damages to the party injured.

He Goats and Rams Running at Large.

Political Code.

Sec. 3060. It is unlawful for any owner or person having the management or control of any ram or he-goat to permit the same to run at large between the first day of August and the first day of December of each year.

Sec. 3061. Any person violating the provisions of this Article is guilty of a misdemeanor, and on conviction thereof must be punished as provided in Section 1164, of the Penal Code.

Sec. 3062. Any person damaged by rams or he-goats running at large during the time mentioned in the first Section of this Article, may recover in a civil action any damages sustained thereby.

Sec. 3063. It is unlawful for the owner or for any person having in charge any horse, mule, ass, sheep or cattle affected with any contagious disease to allow such diseased animal to run on any range, or within any inclosure where such animals may come in contact with any other animal not so diseased. All animals so affected with contagious disease must be at once removed by the owner thereof, or the person in charge of the same, to some secure inside inclosure, where contact with other animals by reaching over or through the fence of such inclosure will be impossible, or must be strictly herded six miles away from any farm or from any other stock running at large or being herded. Every person who knowingly neglects or refuses to remove or to so inclose or herd away from farms or other stock such diseased animals affected with contagious disease, after having received notice of their diseased condition, is punishable as provided in Section 700, of the Penal Code, and is liable for damages to the party injured.

Penal Code.

Sec. 1164. Every person who owns, controls or has the custody of any ram or he-goat, and allows the same to run at large between the first day of August and the first day of December of each year, is punishable by a fine not exceeding twenty dollars.

Stallions Running at Large.

Penal Code.

Sec. 1163. Every person who owns a stud horse, ridgeling or unaltered male mule or jackass over the age of eighteen months, and allows the same to run at large, is punishable by fine not exceeding fifty dollars. Any person may take any such animal, and if the same is not claimed in five days, may castrate him at the expense of the owner.

Swine Running at Large.

Penal Code.

Sec. 1165. That hereafter it shall be unlawful for any owner or owners of swine to permit the same to run at large.

Sec. 1166. Any person or persons violating Section 1165 of this

Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in the sum of ten dollars for the first offense and in the sum of twenty dollars for each subsequent offense and shall be liable in damages to any party injured thereby, to be recovered in any court having competent jurisdiction:

Mischievous Animals at Large.

Penal Code.

Sec. 697. If the owner of a mischievous animal, knowing its propensities, willfully suffers it to go at large, or keeps it without ordinary care, and such animals while so at large, or while not kept with ordinary care, kills any human being who has taken all the precautions which the circumstances permitted, or which a reasonable person would ordinarily take in the same situation, is guilty of a felony.

Cruelty to Animals.

Penal Code.

Sec. 1090. Every person who overdrives or overloads, tortures or cruelly beats or unjustifiably injures, maims, mutilates or kills any animal, whether wild or tame, and whether belonging to himself or another, or deprives any animal of necessary food or drink, or neglects or refuses to furnish it such food or drink, or causes, procures or permits any animal to be overdriven, overloaded, tortured, cruelly beaten or unjustifiably injured, maimed, mutilated or killed, or to be deprived of necessary food or drink, or who willfully instigates or in any way engages in any act of cruelty to any animal, is guilty of a misdemeanor.

Sec. 1091. Every person being the owner or in possession, or having charge or custody of a maimed, diseased, disabled or infirm animal, who abandons or leaves it to die in a street, highway or a public place, is punishable by imprisonment not exceeding thirty days, or by a fine not exceeding fifty dollars, or both, and all necessary expenses incurred in taking care of said property shall be charged to such person.

Sec. 1092. Every person who has impounded or confined any animal and refuses and neglects to supply such animal, during its confinement, with sufficient food, shelter and water, is punishable

by imprisonment in the county jail not exceeding thirty days, or by a fine not exceeding one hundred dollars, or both.

Sec. 1093. Every person who carries, or causes to be carried, in or upon any car, vessel or vehicle, or otherwise, any animal in a cruel manner, or so as to produce torture, is guilty of a misdemeanor.

Sec. 1094. Every person who willfully administers any poison to an animal the property of another, or maliciously exposes any poisonous substance with the intent that the same shall be taken or swallowed by any such animal, is punishable by imprisonment in the State prison not exceeding three years, or in the county jail not exceeding one year, or by a fine not exceeding five hundred dollars, or by both fine and imprisonment.

Sec. 1095. Every person who keeps a cow or any animal for the production of milk in a crowded or unhealthy place or in a diseased condition, or feeds such cow or animal upon any food that produces impure or unwholesome milk, is punishable by imprisonment in the county jail not exceeding three months, or by fine not exceeding two hundred dollars, or both.

Sec. 1096. Every person who instigates, promotes or carries on, or does any act as principal, assistant, referee or umpire, or is a witness of or in any way aids in the furtherance of any fight between cocks or other birds, or dogs, bulls, bears, or other animals premeditated by any person owning or having custody of such birds or animals, is punishable by imprisonment in the county jail not exceeding three months, or by fine not exceeding two hundred dollars, or both.

Leaving Dead Carcass.

Penal Code.

Sec. 1168. Every person who removes the skin from an animal and leaves the carcass within one-quarter of a mile of a dwelling, is punishable by a fine not exceeding twenty-five dollars.

Auctioning Stock.

Penal Code.

Sec. 1177. Every person who sells at auction any horses, mules, asses or cattle, and fails to record in a book the name of the person who offers for sale said animals, the names of the owners with their residences, the color, brand, mark, size and age of the animal offered

for sale, or fails to keep said book open for the inspection of any person, is punishable by a fine not exceeding fifty dollars. This section does not apply to judicial sales.

Driving Without Uniform Brand.

Penal Code.

Sec. 1178. Every person who owns or has charge of any horses, cattle or sheep which are driven into or through any part of this State, and fails to plainly brand or mark the animals so driven, so that such animals may be readily distinguished from other animals, is punishable by a fine not exceeding three hundred dollars.

Sec. 1179. All droves of horses, mules, cattle or sheep which may hereafter be driven from any other State or Territory of the United States, or any foreign country, into or through any county or counties of this State, shall be plainly branded or marked with one uniform brand or mark.

Sec. 1180. All such horses, mules and cattle shall be so branded with one distinct ranch or road brand of the owner or owners so as to show distinctly in such place or places as the owner may adopt.

Sec. 1181. All such sheep shall be marked distinctly with such mark or device as may be sufficient to distinguish the same readily should they become intermixed or mingled with other flocks of sheep in this State.

Sec. 1182. Any such owner or owners, person or persons, in charge of such drove of stock which may be driven into or through this State, who shall fail to comply with the provisions of this Act, shall be fined in a sum not less than fifty dollars, nor more than three hundred dollars, together with costs of suit.

Sec. 1183. It shall be the special duty of the county attorney, sheriff, and any constable of each and every county in this State, to enforce the provisions of this Act.

Sec. 1184. All fines collected under the provisions of this Act shall be paid into the general school fund of the county in which judgment therefor is recovered.

Driving From Range.

Penal Code.

Sec. 1185. That any person or persons other than the owner of, or his agents, who shall drive any horses, mules or cattle farther from

their usual and customary ranges, than the nearest corral, and who shall neglect to return such horses, mules or cattle immediately to their accustomed range; provided, they can have the use of such corral, shall be deemed guilty of a misdemeanor, and on conviction thereof before any justice of the peace in the State of Montana, shall be fined in any sum not exceeding one hundred dollars nor less than twenty-five dollars, to be collected as other fines are, and may also in the discretion of said justice of the peace be imprisoned in the county jail for a term not more than three months, or both. All fines collected under the provisions of this act shall be paid into the school fund of the county in which the said stock do most usually range and graze.

Sec. 1187. Every person who willfully drives or causes to be driven any cattle, horses, mules, sheep or swine from their customary range without the permission of the owner thereof, is punishable by imprisonment in the county jail not exceeding ninety days, or by fine not exceeding one hundred dollars, or both.

Butchers and Parties Slaughtering Cattle.

Penal Code.

Sec. 1186. Every person who is a butcher and who slaughters cattle in this State, and fails to keep a true and correct record of all marks and brands of the cattle slaughtered by him, the name of the person from whom said cattle were bought, his residence and the date of the purchase and delivery of the cattle, or fails to keep such record open for inspection at his place of business, or fails on or before the first day of each month to file a verified copy of such record in the office of the justice of the peace nearest his place of business and another verified copy in the office of the county clerk of the county in which he resides, and every person slaughtering cattle who does not keep the hide, with the ears attached, for ten days after the slaughter of such animal, at his place of business or residence, or who does not exhibit such hide upon demand of any person, is punishable by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or both.

Sec. 1188. Every person, except a licensed butcher, who offers to sell or sells any beef and fails to expose to the purchaser the hide of the animal to be sold, or sold, and does not keep such hide for ten days after the sale at his place of residence, or refuses to allow the same

to be inspected by any other person, is punishable by imprisonment in the county jail not exceeding three months, or by fine not exceeding one hundred dollars, or both.

Branding Out of Season.

Penal Code.

Sec. 1189. Every person save only an owner, and he only when branding on his own premises and in the presence of two responsible citizens, who marks or brands any calf or cattle that are running at large between the first day of December and the tenth day of May of the next ensuing year; and every person who shall at any time brand or cause to be branded or marked any horse, mule, cattle or head of cattle, sheep, swine or other animal, one year old or older, with any piece of metal or implement, other than a branding iron, which branding iron shall be of the same design as the brand or mark owned by the party using it; or who shall so mark or brand, or cause to be marked or branded, any of the animals aforesaid with any piece or pieces of iron called "running irons," such as bars, rings, half or quarter circles; is punishable by imprisonment in the county jail for not exceeding six months, or by a fine of not less than twenty-five dollars, nor more than five hundred dollars, or both.

Using Illegal Brands.

Penal Code.

Sec. 1190. Every person who, for the purpose of branding horses or cattle, uses as a brand a sash, frying pan or any device whatsoever, which can be employed or used to obliterate a brand, and every person who shall use any recorded brand which is an infringement upon any recorded brand, or who shall use a like brand in the same position or place recorded by another, is punishable by a fine not exceeding two hundred dollars, or imprisonment in the county jail not exceeding sixty days, or both.

Leaving Carcasses in Streams or on Highway.

Penal Code.

Sec. 676. Every person who puts the carcass of any dead animal, or the offal from any slaughter pen, corral or butcher shop, into any river, creek, pond or reservoir, stream, street, alley, public highway or road in common use, or who attempts to destroy the same by fire

within one-fourth mile of any city, town or village, and every person who puts the carcass of any dead animal, or any offal of any kind, in or upon the borders of any stream, pond, lake or reservoir, from which water is drawn for the supply of the inhabitants of any city or town in this State, so that the drainage from such carcass or offal may be taken up by or in such stream, pond, lake, reservoir, or who allows the carcass of any dead animal, or any offal of any kind, to remain in or upon the borders of any such stream, pond, lake or reservoir within the boundaries of any land owned or occupied by him, or who keeps any horses, mules, cattle, swine, sheep or live stock of any kind, penned, corralled or housed on, over or on the borders of any such stream, pond, lake or reservoir, so that the waters thereof shall become polluted by reason thereof, is guilty of a misdemeanor, and upon conviction thereof shall be punished as prescribed in Section 677 of this Code.

Sec. 677. Every person who willfully violates any of the laws of this State, relating to the preservation of the public health, is, unless a different punishment is prescribed by this Code, punishable by imprisonment in the county jail not exceeding one year, or by fine not exceeding one thousand dollars, or both.

Driving Fast or on Bridges.

Penal Code.

Sec. 688. Every person who willfully rides or drives faster than a walk, on or over, any public bridge, and every person who drives any loose stock, such as horses, mules or cattle over any public bridge in a larger number than fifteen head at a time, is punishable by a fine not exceeding twenty dollars.

Selling Glandered Horse.

Penal Code.

Sec. 700. Any person who shall knowingly sell or offer for sale or use, or expose, or who shall cause or procure to be sold or offered for sale, or used, or exposed, any horse, mule, or other animal having the disease known as glanders, farcy, or any contagious disease, or violates any of the provisions of Section 3063, of the Political Code, is guilty of a misdemeanor.

Sec. 701. Every animal having glanders or farcy, shall at once be deprived of life by the owner or person having charge thereof, upon discovery or knowledge of its condition; and any such owner or

person omitting or refusing to comply with the provisions of this Section, is guilty of a misdemeanor.

Defacing Brands.

Penal Code.

Sec. 648. Every person who marks or brands, alters or defaces the mark or brand of any horse, mare, colt, jack, jennet, mule, bull, ox, steer, cow, calf, sheep, goat, hog, shoat or pig belonging to another, with intent thereby to steal the same, or to prevent identification thereof by the true owner, is punishable by a fine not exceeding five hundred dollars, or imprisonment in the State prison not exceeding five years, or both.

Legal Fences.

Political Code.

Sec. 3250. The following are legal fences, and must not be less than four and one-half feet in height:

1. All fences constructed of at least one strong pole, rail or board, and three of either barbed wires or strong poles, rails or boards, or both, so that there be three altogether thereunder, which lower three, whether all barbed wires or poles, rails or boards and barbed wires, may be arranged at the pleasure of the builder; but all must be firmly fastened as nearly equidistant as possible to substantial posts firmly set in the ground not more than twenty feet apart, or set to well supported substantial leaning posts, not more than twenty feet apart. But the lower pole, rail, board or barbed wire must not be more than one foot and a half above the ground.

2. All fences constructed of at least four barbed wires, the lowest of which must not be more than one foot and a half above the ground, securely fastened as nearly equidistant as possible to substantial posts firmly set in the ground, at a distance not exceeding thirty feet apart, with pickets at least five feet in length, interwoven in or fastened to said wires, between each two of said posts in such manner that there must not be more than five feet space between such pickets or posts and pickets.

3. All substantial worm fences and stone walls.

4. All rivers, hedges, mountain ridges and bluffs, or other barriers over or through which it is impossible for stock to pass. But none of the fences hereinbefore described are legal for stock-yards, or

places where either grain, hay or straw is kept, but such place must be inclosed by a fence at least six feet high, constructed of one strong pole, board or rail, with at least five strong rails, poles, boards, or barbed wires thereunder, securely fastened, as nearly equidistant apart as possible, to substantial posts, firmly set in the ground, not more than fourteen feet apart.

5. That all fences constructed of at least four barbed or other wires, the lowest of which must not be more than one foot and a half above the ground, securely fastened as nearly equidistant as possible to substantial posts firmly set in the ground at a distance not to exceed twenty feet apart. There shall be tags of zinc, tin or sheet iron, not less than three inches square, fastened to the top wire, not to exceed five feet apart.

Sec. 3251. Any person constructing or maintaining any fence of any kind not prescribed in the next preceding section, is liable in a civil action for all damages caused by reason of injury to stock, resulting from such defective fence.

Sec. 3252. The owners of barbed wire fences must keep the same in repair, and any person receiving notice in writing that his barbed wire fence, or any part thereof, is down, or in such condition as to be likely to injure any live stock, and fails or refuses to repair such fence, is liable to pay damages in an amount equal to the value of any cattle, horse, mule or other domestic animal which may be injured by coming into contact with the fence.

Sec. 3253. The occupants of adjoining lands enclosed with fences must build and maintain partition fences between their own and the next adjoining enclosure in equal shares, so long as both continue to enclose the same; and such partition fence must be kept in good repair throughout the year, unless the occupants otherwise mutually agree.

Sec. 3254. If any occupant of land adjoining the enclosure of another enclose the same, upon the enclosure of such other person, he must, within three months thereafter, build his proportion of such partition fence, or refund to the owner thereof an equal proportion of the value, at that time, of any partition fence of such adjoining occupant.

Sec. 3255. Whenever any lands belonging to different persons in severalty have been enclosed and occupied in common, or without a partition fence, between them, and one of such occupants desires

to occupy his part in severalty, the other occupant must, within six months after being notified in writing, build and maintain his proportion of such partition fence as may be necessary for that purpose; and in case of neglect or refusal to do so, the person giving such notice may build such fence at the expense of the person so neglecting or refusing, the amount expended to be recovered in an action, together with all damage he may sustain on account of such neglect or refusal.

Sec. 3256. If the occupants of adjoining lands have heretofore built or hereafter build their respective portions of a partition fence, and either of them at any time desires to suffer the land occupied by him to lie open, he may, after having given to the occupants of the adjoining land at least six months' notice of his intention so to do, remove his proportion of the partition fence, unless such adjoining occupant pay or tenders to him the value thereof; and if such fence be removed without notice, or after payment or tender of the value as aforesaid, the person removing the same is liable to the person injured for all damages he may sustain thereby.

Sec. 3257. In case any person neglects or refuses to repair or rebuild any partition fence which by law he ought to build or maintain, the occupant of the adjoining land may, after giving sixty days' notice that a new fence should be erected, or five days' notice in writing that the repairing of such fence is necessary, build or repair such fence at the expense of the party so neglecting or refusing, the amount so expended to be recovered from him; and the party so neglecting or refusing, after receipt by him of the notice above provided, is liable to the party injured for all damages he may sustain thereby.

Sec. 3258. If any cattle, horse, mule, ass, hog, sheep, or other domestic animal break into any inclosure, the fence being legal, as hereinbefore provided, the owner of such animal is liable for all damages to the owner or occupant of the inclosure which may be sustained thereby. This section must not be construed so as to require a legal fence in order to maintain an action for injury done by animals running at large contrary to law.

• Sec. 3259. If any such animal breaks into an enclosure surrounded by a legal fence, or is wrongfully upon the premises of another, the owner or occupant of the enclosure or premises may take into his possession the animal trespassing, and keep the same until all damages, together with reasonable charges for keeping and feeding. Any person who takes or rescues any such animal from the possession of the person in whose custody the same may be, without

his consent, is liable to a penalty of not less than five nor more than twenty-five dollars for each of the animals so rescued, which may be recovered by such occupant or owner in any court of competent jurisdiction. Within twenty-four hours after taking such animal into his possession, the owner or occupant must give notice to the claimant of the animal, that he has taken up the animal, if known, or if unknown, he must post a like notice at some public place near the premises.

Penal Code.

Sec. 1194. That any person owning any land in this State, or if the owner is not a resident wherein such land is situated, his managing agent, or if such lands or leased, the lessor, who shall permit any barbed or other wire to remain down, or broken in such condition as to be dangerous to live stock, for the period of thirty days, and the further period of ten days, after personal service upon him of a notice in writing to repair said wire, shall be deemed guilty of a misdemeanor.

Sec. 1159. Every person who willfully leaves open a gate leading in or out of any inclosed premises, whether inclosed by a lawful fence or not, is punishable by a fine not exceeding twenty-five dollars.

Setting Fires.

Penal Code.

Sec. 1071. Every person who carelessly sets fire to any timber, woodland or grass, except for useful or necessary purposes, or who at any time makes a camp fire, or lights a fire for any purpose whatever without taking sufficient steps to secure the same from spreading from the immediate locality where it is used, or fails to extinguish such fire before leaving it, is punishable by imprisonment in the county jail not exceeding one year, or by fine not exceeding two thousand dollars, or both.

Bounty Law.

Penal Code.

Sec. 1124. Every person who violates any of the provisions of Section 3070 of the Political Code, relating to bounties for killing wild animals, is guilty of a misdemeanor and is punishable by a fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding six months, or both.

Political Code.

Sec. 3070. There shall be paid out of the fund in this Act hereafter created for the killing of the following named animals hereafter killed in the State of Montana, the following bounties: For each wolf or coyote, three dollars.

Sec. 3071. Any person killing any one of the aforesaid animals to obtain the bounty thereon shall, within ninety days from the date of the killing, exhibit or cause to be exhibited, the skin of said animal or animals, including the tail and the skin from the forehead, embracing both ears, to the county clerk of said county in which such animal or animals were killed, and shall at the same time file with said clerk an affidavit setting forth that he killed, or caused to be killed, the animal or animals from which the skin or skins were taken; that the same were killed within the bounds of the county to whose clerk the same are presented; and the county clerk shall, before issuing the certificate hereafter provided for, require affidavit of two resident taxpayers of the county that they are acquainted with the person presenting the skin or skins, and that, to the best of their belief, the animal or animals from which said skin or skins were taken were killed within the limits of said county.

Sec. 3072. The county clerk shall thereupon call to his assistance either the county treasurer, or, in his absence, the clerk of the district court, who being present, both shall, in order to prevent fraud, minutely examine each skin presented; and should such examination disclose that the scalp and ears belonging to such skins have not been severed, patched or punched, the county clerk shall there, in the presence of the other officer named above, mark each ear by punching a hole one inch in diameter in the same and then redeliver the skin or skins to the person presenting the same, and shall at the same time make out and deliver to said person a certificate showing the number and kinds of skins so punched, and the name of the person presenting, the fact of the filing of the affidavit herein provided for, and the examination made as required, and said certificate to be duly signed by him in his official capacity, and attested by the officer officiating with him; and said county clerk shall keep a record in a bound book of all skins so punched, showing the date, number and kinds, the names of the persons presenting and the names of the witnesses, which book shall be an official record. All services rendered by officials under this Act to be without fee or charge.

Sec. 3073. Should any county clerk or officer officiating with him

have reason to believe that any person presenting a skin or skins as above provided, has evaded the provisions of this Act to obtain the bounty unlawfully, he shall require satisfactory evidence of the time, place and manner of the killing of said animal or animals.

Sec. 3074. It shall be the duty of the State Auditor, upon the written order of the State Board of Examiners, to give the person presenting said order a warrant upon the State fund hereafter provided for, for the amount required to compensate, at the bounty prices by this Act provided and awarded, for the number of animals mentioned in the order, taking a receipt on the back of the order of the person presenting for the full amount received; and the State Auditor and State Treasurer shall keep an account of all warrants so issued and paid and list them in their annual report to the Governor.

Sec. 3075. For the purpose of providing for the payment of the aforesaid warrants there is hereby created a fund to be known as the State Bounty Fund, and in addition to the twenty-five per cent. of all licenses now provided by law to be paid into the State treasury, by the respective county treasurers, there shall be paid into the said State treasury a further five per cent. of all said licenses, making a total of thirty per cent. thereof, payable into the State treasury, and seventy per cent thereof to be retained by the respective counties collecting the same; and it is provided that the extra five per cent. of the said licenses thereby provided for to be paid into the State treasury shall, as received by the State Treasurer from time to time, be covered into and passed by him to the credit of said State Bounty Fund, and the said treasurer shall likewise cause to be deposited to the credit of said fund from time to time, as he shall receive the same, of all proceeds of the tax levy next herein provided for.

Sec. 3076. It shall be the duty of the Board of County Commissioners of each county in this State, at the time of the levy of the annual tax, to levy a special tax of one and one-half mills on the dollar upon the assessed valuation of all cattle, horses, mules, asses and sheep in their respective counties, which shall be collected as other taxes upon like property, and when so collected paid into the hands of the State Treasurer, who shall at once cover the same into the State Bounty Fund aforesaid, which fund shall be preserved inviolate for the payment of the bounties herein above provided for. And any county commissioner who shall refuse or interfere to prevent the levy of the tax aforesaid shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding

five hundred dollars or imprisonment in the county jail not exceeding three months, or both such fine and imprisonment.

Sec. 3077. If at the end of any fiscal year there shall be a surplus of said Bounty Fund, it shall be the duty of the State Treasurer, and he is hereby authorized to apply such surplus on the payment of warrants on outstanding Bounty Certificates, on the order of the State Board of Examiners.

Sec. 3078. Any person who shall falsely make, alter, forge or counterfeit any of said certificates or orders shall be deemed guilty of a forgery, and any person who shall swear falsely to any affidavit provided for by this Act, or procure the same to be done by another, with the intent of obtaining any one of said certificates or orders, shall be deemed guilty of perjury; and any person convicted of any of the offenses declared in this Section shall be punished by imprisonment in the State's prison for a term of not less than one year nor more than ten years.

Sec. 3079. Any person or persons who shall patch up any skin or scalp, or who shall present any punched skin or scalp, with intent to defraud the State, or any officer who shall sign any certificate herein provided for without first counting the skins, or shall intentionally evade any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for a period not exceeding three months, or by both such fine and imprisonment.

Sec. 3080. Article VIII, of Chapter V, of Title VII, of Part III, of the Political Code, and all bounty laws, are hereby repealed, it being the purpose of this Act that hereafter no bounty shall be paid upon any animals save those mentioned in Section 3070 hereof.

But nothing in this Act shall be construed to affect the liability of the State or county thereof for bounties earned in pursuance of existing laws.

Canada Thistle and Obnoxious Plants.

Penal Code.

Sec. 1197. Be it enacted that the weeds known as the Canada thistle, the Scotch bull thistle and the Russian thistle, are hereby declared to be a common nuisance for all the purposes of this Act.

Sec. 1198. Any person or persons owning any lands within this State, or occupying or having control of any lands, whether within

the plat of towns, villages or cities, or otherwise, within this State, knowingly permitting or suffering any Canada, Scotch bull or Russian thistle or thistles to go to seed upon any land or lands thus owned, occupied or under control of such person or persons shall be deemed guilty of supporting and maintaining a common nuisance, and upon conviction thereof in any court of competent jurisdiction, of the offense, shall be punished by a fine not exceeding fifty nor less than five dollars.

Sec. 1199. In case any person or persons, railroad or other corporation, owning or occupying any lands within this State, under his or her or their control, as the case may be, shall refuse or neglect to destroy any Canada, Scotch bull or Russian thistle or thistles growing or standing upon any land or lands so owned, occupied or controlled, on or before the fifteenth day of August, it shall be the duty of the county commissioners, road supervisors, or other person or persons having control of the public highways, streets or alleys where any such thistle or thistles may be found growing or standing, to immediately destroy or cause the same to be destroyed, and pay therefor at the same rate that is paid for road labor; and every supervisor or other person hereinbefore authorized to destroy said thistles shall keep a correct account of all moneys paid out for that purpose, and charge the same to the person or persons or corporation owning, occupying or controlling the land or lands upon which said thistle or thistles were destroyed, and the person or persons or corporation owning, occupying or having control of such lands shall be liable in a civil action for the amount so charged against them and costs of suit; provided, that if any supervisor or other person having, under the authority of this Act, destroyed any of the said thistles, and is unable to find the owner of the land, or is unable to collect such money, the same shall be paid by the authorities of the town, village, city or county where such thistles were destroyed; and provided further, that in case any railroad company becomes chargeable under the provisions of this Section, the supervisors of the township where the same has become chargeable may certify to the same to the county attorney of their county, whose duty it shall be to bring and prosecute a civil action against the railroad company for the amount so charged and costs of suit aforesaid.

Sec. 1200. It is hereby made the duty of every person having knowledge of any Canada, Scotch bull and Russian thistle or thistles growing or standing upon the lands of another to immediately destroy the same, or give the person owning or occupying such lands immediate notice thereof.

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